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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/635,723

08/09/2000

Nizar Allibhoy

PU050098

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06/02/2008

Joseph J. Laks

Thomson Licensing LLC

2 Independence Way, Patent Operations

PO Box 5312

PRINCETON, NJ 08543

EXAMINER

DOAN, DUYEN MY

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

06/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/635,723	Applicant(s) ALLIBHOY ET AL.	
	Examiner DUYEN M. DOAN	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/24/2008 has been entered.

Claims 1-27 are amended for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 13 recites the limitation "enhanced content programming", claim 16 cites, "enhanced programming, ...said programming". There is insufficient antecedent basis for this limitation in the claim.

For the purpose of examination, examiner interprets the above as follows:

"enhanced content programming" as "enhanced video based content programming".

“enhanced programming...said programming” as “enhanced video based content programming”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al (us pat 6,424,714) (hereinafter Was) in view of Brown (us pat 5,857,190).

As regarding claim 1, Was discloses a method of securely providing contents such as interactive video, movie on demand, audio etc... (see Was col.1, lines 21-29) from plurality of providers (see Was figure 1, providers) to receiver (see Was figure 1, stu 90) over a network that control by the network operator (see Was figure.1, item 120); determining if the providers are authorized to send content to receiver, if yes then the connection to the receiver will be allowed (see Was col.22, lines 11-31).

Was does not specifically discloses the network operator monitor each of a plurality of user transactions between receiver and content providers and extracting transaction information from at least a portion of said plurality of user transactions;

storing said extracted transaction information in a data base controlled by a third party; forming a user profile based on a combination of at least a portion of said extracted transaction information; identifying particular enhanced content programming based on said user; providing the user with an option to view said identified particular enhanced content programming.

Brown teaches the concept of monitor each of a plurality of user transactions between receiver and content providers (see Brown col.1, lines 38-55, monitoring usage patterns) and extracting transaction information from at least a portion of said plurality of user transactions (see Brown col.3, lines 7-21, log the monitored information); storing said extracted transaction information in a data base controlled by a third party (see Brown col.3, lines 12-21, store the log event information at the remote database); forming a user profile based on a combination of at least a portion of said extracted transaction information (see col.3, lines 17-21, log event reflect the usage pattern); identifying particular enhanced content programming based on said user profile (see Brown col.1, lines 44-47, provide interactive content to user that the user is interested in certain usage patterns); providing the user with an option to view said identified particular enhanced content programming (see Brown col.1, lines 21-36, offering interactive content to viewer).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the monitoring, extracting functionality into the operator of Was, because both Was and Brown discloses inventions concerning

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providing interactive content over a network, for the purpose of allowing the viewer to view the content with flexibility and enhance manner.

As regarding claim 2, Was-Brown discloses said portion of said plurality of user transactions from which transaction information is extracted are those use transactions that have been finalized by the user (see Brown col.6, lines 45-57). The same motivation was utilized in claim 1 applied equally well to claim 2.

As regarding claim 3, Was-Brown discloses said transaction information is based on criteria set by the network operator (see Brown col.7, lines 54-67). The same motivation was utilized in claim 1 applied equally well to claim 3.

As regarding claim 4, Was-Brown discloses said extracted transaction information is based on criteria set by user (see Brown col.6, lines 45-57). The same motivation was utilized in claim 1 applied equally well to claim 4.

As regarding claim 5, Was-Brown discloses said extracted transaction information is based on criteria set by a third party other than said network operator (see Brown col.6, lines 45-57). The same motivation was utilized in claim 1 applied equally well to claim 5.

As regarding claim 6, Was-Brown discloses wherein said extracted transaction information includes goods or services category information (see Brown col.8, lines 1-34). The same motivation was utilized in claim 1 applied equally well to claim 6.

As regarding claim 7, Was-Brown discloses wherein said user profile is formed automatically if a pre-existing user profile for a particular user was not present after two or more user transactions have been monitored (see Brown col.7, lines 33-58). The same motivation was utilized in claim 1 applied equally well to claim 7.

As regarding claim 8, Was-Brown discloses periodically updating said user profile (see Brown col.7, lines 33-58). The same motivation was utilized in claim 1 applied equally well to claim 8.

As regarding claim 9, Was-Brown discloses comprising the step of continuously updated said user profile (see Brown col.7, lines 33-58). The same motivation was utilized in claim 1 applied equally well to claim 9.

As regarding claim 10, Was-Brown discloses wherein said providing step is performed in response to the step of receiving a user request for said particular enhanced content programming (see Brown col.7, lines 33-58). The same motivation was utilized in claim 1 applied equally well to claim 10.

As regarding claim 11, Was-Brown discloses wherein said providing step is performed in response to the steps of requesting specific enhanced content programming, said requesting step performed by the user, wherein said particular enhanced content programming is substituted for said requested specific enhanced content programming in response to an instruction by said network operator (see Brown col.1, lines 20-56). The same motivation was utilized in claim 1 applied equally well to claim 11.

As regarding claim 12, Was-Brown discloses wherein said providing step is performed in response to the step of requesting specific enhanced content programming, said requesting step performed by the user, wherein said particular enhanced programming is provided in addition to said requested specific enhanced content programming in response to instruction by said network operator (see Brown col.1, lines 20-56). The same motivation was utilized in claim 1 applied equally well to claim 12.

As regarding claims 13-15, limitations of claims 13-15 are similar to limitations of rejected claims 1-12, therefore rejected for the same rationale.

As regarding claims 16-17, 21-27, limitations of claims 16-17, 21-27 are similar to limitations of rejected claims 1-12, therefore rejected for the same rationale.

As regarding claim 18, Was-Brown discloses receiver is at least one of a set top boxes, a telephone, a personal digital assistance, and a computer (see Howe col.1, lines 50-67).

As regarding claim 19, Was-Brown discloses wherein said network is at least one consisting of cable, fiber optics, telephone lines, terrestrial broadcast systems, and satellite broadcast systems (see Was col.1, lines 42-49).

As regarding claim 20, Was-Brown discloses a display coupled to said receiver for displaying both said standard programming and said enhanced content programming (see Was col.5, lines 31-49).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUYEN M. DOAN whose telephone number is (571)272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2146